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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,890	12/06/2005	Andreas Schmidt	071308.1000 (2003P08264WO)	2852
31625 7590 02/25/2010 BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039				
EXAMINER RASHID, HARUNUR				
ART UNIT 2458		PAPER NUMBER		
NOTIFICATION DATE 02/25/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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***Advisory Action  
Before the Filing of an Appeal Brief***

**Application No.**

10/559,890

**Applicant(s)**

SCHMIDT ET AL.

**Examiner**

HARUNUR RASHID

**Art Unit**

2458

**—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —**

THE REPLY FILED 05 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_ (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: None.  
 Claim(s) objected to: None.  
 Claim(s) rejected: 29-55.  
 Claim(s) withdrawn from consideration: None.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☒ Other: Applicants argue that (8/14/09) "the cited art does not show all the elements of the present Claims. a) transmitting a transmission message containing one or more useful data objects to a switching component for forwarding to a first telecommunication device." The Examiner respectfully disagrees with Applicant's arguments; the examiner submits that Kalra discloses transmitting a transmission message containing one or more useful data objects to a switching component for forwarding to a first telecommunication device (fig. 1 and 2A, col. 4, lines 14-32; e.g. item 12 (multimedia data) transmitting to item 22 (multimedia device) via item 14 (Adaptive digital streams format)). The examiner interprets transcoder 10 is a (switching) component since it is transmitting a message from one point to another point.

Applicants also argue that "the cited art does not show all the elements of the present Claims. b) creating a plurality of variants of the one or more useful data objects in the switching component as a function of one or more parameters." The Examiner respectfully disagrees with Applicant's arguments; the examiner submits that Kalra discloses creating a plurality of variants of the one or more useful data objects in the switching component as a function of one or more parameters (fig. 2A, item 14A-14AN; col. 4 lines 15-35; various components; also see col. 2, line 18-24). Also see "Operation of transcoder 10 will be explained hereinafter, but is initially mentioned to clarify that the present invention can operate upon standard digital multimedia data that is stored in one of a variety of formats. MPEG, YUV, and BMP formats for digital video, VRML format for 3-D graphics and MPEG, WAV and AIFF formats (col. 4, lines 1-30). For example, transcoder allows for the various combinations of content and resolution that are tailored to match that of the specific client computer, as a result optimal outcome possible.

Applicants also argue that "At no time is any selection process performed by the multimedia device 22. On the contrary, all selection

/Benjamin R Bruckart/  
Primary Examiner, Art Unit 2446